

In the Senate of the United States,

September 29, 2006.

Resolved, That the bill from the House of Representatives (H.R. 1129) entitled “An Act to authorize the exchange of certain land in the State of Colorado.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Pitkin County Land*
3 *Exchange Act of 2006”.*

1 **SEC. 2. PURPOSE.**

2 *The purpose of this Act is to authorize, direct, expedite,*
 3 *and facilitate the exchange of land between the United*
 4 *States, Pitkin County, Colorado, and the Aspen Valley*
 5 *Land Trust.*

6 **SEC. 3. DEFINITIONS.**

7 *In this Act:*

8 (1) *ASPEN VALLEY LAND TRUST.*—

9 (A) *IN GENERAL.*—*The term “Aspen Valley*
 10 *Land Trust” means the Aspen Valley Land*
 11 *Trust, a nonprofit organization as described in*
 12 *section 501(c)(3) of the Internal Revenue Code of*
 13 *1986.*

14 (B) *INCLUSIONS.*—*The term “Aspen Valley*
 15 *Land Trust” includes any successor, heir, or as-*
 16 *sign of the Aspen Valley Land Trust.*

17 (2) *COUNTY.*—*The term “County” means Pitkin*
 18 *County, a political subdivision of the State of Colo-*
 19 *rado.*

20 (3) *FEDERAL LAND.*—*The term “Federal land”*
 21 *means—*

22 (A) *the approximately 5.5 acres of National*
 23 *Forest System land located in the County, as*
 24 *generally depicted on the map entitled “Ryan*
 25 *Land Exchange-Wildwood Parcel Conveyance to*
 26 *Pitkin County” and dated August 2004;*

1 (B) the 12 parcels of National Forest Sys-
2 tem land located in the County totaling approxi-
3 mately 5.92 acres, as generally depicted on maps
4 1 and 2 entitled “Ryan Land Exchange-Smug-
5 gler Mountain Patent Remnants Conveyance to
6 Pitkin County” and dated August 2004; and

7 (C) the approximately 40 acres of Bureau of
8 Land Management land located in the County,
9 as generally depicted on the map entitled “Ryan
10 Land Exchange-Crystal River Parcel Conveyance
11 to Pitkin County” and dated August 2004.

12 (4) NON-FEDERAL LAND.—The term “non-Fed-
13 eral land” means—

14 (A) the approximately 35 acres of non-Fed-
15 eral land in the County, as generally depicted on
16 the map entitled “Ryan Land Exchange-Ryan
17 Property Conveyance to Forest Service” and
18 dated August 2004; and

19 (B) the approximately 18.2 acres of non-
20 Federal land located on Smuggler Mountain in
21 the County, as generally depicted on the map en-
22 titled “Ryan Land Exchange-Smuggler Moun-
23 tain-Grand Turk & Pontiac Claims Conveyance
24 to Forest Service” and dated August 2004.

1 (5) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Agriculture.*

3 **SEC. 4. LAND EXCHANGE.**

4 (a) *IN GENERAL.*—*If the County offers to convey to*
5 *the United States title to the non-Federal land that is ac-*
6 *ceptable to the Secretary, the Secretary and the Secretary*
7 *of the Interior shall—*

8 (1) *accept the offer; and*

9 (2) *on receipt of acceptable title to the non-Fed-*
10 *eral land, simultaneously convey to the County, or at*
11 *the request of the County, to the Aspen Valley Land*
12 *Trust, all right, title, and interest of the United*
13 *States in and to the Federal land, except as provided*
14 *in section 5(d), subject to all valid existing rights and*
15 *encumbrances.*

16 (b) *TIMING.*—*It is the intent of Congress that the land*
17 *exchange directed by this Act shall be completed not later*
18 *than 1 year after the date of enactment of this Act.*

19 **SEC. 5. EXCHANGE TERMS AND CONDITIONS.**

20 (a) *EQUAL VALUE EXCHANGE.*—*The value of the Fed-*
21 *eral land and non-Federal land—*

22 (1) *shall be equal; or*

23 (2) *shall be made equal in accordance with sub-*
24 *section (c).*

1 (b) *APPRAISALS.*—*The value of the Federal land and*
 2 *non-Federal land shall be determined by the Secretary*
 3 *through appraisals conducted in accordance with—*

4 (1) *the Uniform Appraisal Standards for Fed-*
 5 *eral Land Acquisitions;*

6 (2) *the Uniform Standards of Professional Ap-*
 7 *praisal Practice; and*

8 (3) *Forest Service appraisal instructions.*

9 (c) *EQUALIZATION OF VALUES.*—

10 (1) *SURPLUS OF NON-FEDERAL LAND.*—*If the*
 11 *final appraised value of the non-Federal land exceeds*
 12 *the final appraised value of the Federal land, the*
 13 *County shall donate to the United States the excess*
 14 *value of the non-Federal land, which shall be consid-*
 15 *ered to be a donation for all purposes of law.*

16 (2) *SURPLUS OF FEDERAL LAND.*—

17 (A) *IN GENERAL.*—*If the final appraised*
 18 *value of the Federal land exceeds the final ap-*
 19 *praised value of the non-Federal land, the value*
 20 *of the Federal land and non-Federal land may,*
 21 *as the Secretary and the County determine to be*
 22 *appropriate, be equalized by the County—*

23 (i) *making a cash equalization pay-*
 24 *ment to the Secretary;*

(ii) conveying to the Secretary certain land located in the County, comprising approximately 160 acres, as generally depicted on the map entitled “Sellar Park Parcel” and dated August 2004; or

(iii) using a combination of the methods described in clauses (i) and (ii).

(B) DISPOSITION AND USE OF PROCEEDS.—

(i) DISPOSITION OF PROCEEDS.—Any cash equalization payment received by the Secretary under clause (i) or (iii) of subparagraph (A) shall be deposited in the fund established by Public Law 90–171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(ii) USE OF PROCEEDS.—Amounts deposited under clause (i) shall be available to the Secretary, without further appropriation, for the acquisition of land or interests in land in Colorado for addition to the National Forest System.

(d) CONDITIONS ON CERTAIN CONVEYANCES.—

(1) CONDITIONS ON CONVEYANCE OF CRYSTAL RIVER PARCEL.—

(A) *IN GENERAL.*—As a condition of the conveyance of the parcel of Federal land described in section 3(3)(C) to the County, the County shall agree to—

(i) provide for public access to the parcel; and

(ii) require that the parcel shall be used only for recreational, fish and wildlife conservation, and public open space purposes.

(B) *REVERSION.*—At the option of the Secretary of the Interior, the parcel of land described in section 3(3)(C) shall revert to the United States if the parcel is used for a purpose other than a purpose described in subparagraph (A)(ii).

(2) *CONDITIONS ON CONVEYANCE OF WILDWOOD PARCEL.*—In the deed of conveyance for the parcel of Federal land described in section 3(3)(A) to the County, the Secretary shall, as determined to be appropriate by the Secretary, in consultation with the County, reserve to the United States a permanent easement for the location, construction, and public use of the East of Aspen Trail.

1 **SEC. 6. MISCELLANEOUS PROVISIONS.**

2 (a) *INCORPORATION, MANAGEMENT, AND STATUS OF*
 3 *ACQUIRED LAND.*—

4 (1) *IN GENERAL.*—*Land acquired by the Sec-*
 5 *retary under this Act shall become part of the White*
 6 *River National Forest.*

7 (2) *MANAGEMENT.*—*On acquisition, land ac-*
 8 *quired by the Secretary under this Act shall be ad-*
 9 *ministered in accordance with the laws (including*
 10 *rules and regulations) generally applicable to the Na-*
 11 *tional Forest System.*

12 (3) *LAND AND WATER CONSERVATION FUND.*—
 13 *For purposes of section 7 of the Land and Water Con-*
 14 *servation Fund Act of 1965 (16 U.S.C. 460l–9), the*
 15 *boundaries of the White River National Forest shall*
 16 *be deemed to be the boundaries of the White River Na-*
 17 *tional Forest as of January 1, 1965.*

18 (b) *REVOCATION OF ORDERS AND WITHDRAWAL.*—

19 (1) *REVOCATION OF ORDERS.*—*Any public orders*
 20 *withdrawing any of the Federal land from appropria-*
 21 *tion or disposal under the public land laws are re-*
 22 *voked to the extent necessary to permit disposal of the*
 23 *Federal land.*

24 (2) *WITHDRAWAL OF FEDERAL LAND.*—*On the*
 25 *date of enactment of this Act, if not already with-*
 26 *drawn or segregated from entry and appropriation*

1 *under the public land laws (including the mining and*
 2 *mineral leasing laws) and the Geothermal Steam Act*
 3 *of 1970 (30 U.S.C. 1001 et seq.), the Federal land is*
 4 *withdrawn, subject to valid existing rights, until the*
 5 *date of the conveyance of the Federal land to the*
 6 *County.*

7 (3) *WITHDRAWAL OF NON-FEDERAL LAND.—On*
 8 *acquisition of the non-Federal land by the Secretary,*
 9 *the non-Federal land is permanently withdrawn from*
 10 *all forms of appropriation and disposal under the*
 11 *public land laws (including the mining and mineral*
 12 *leasing laws) and the Geothermal Steam Act of 1970*
 13 *(30 U.S.C. 1001 et seq.).*

14 (c) *BOUNDARY ADJUSTMENTS.—The Secretary, the*
 15 *Secretary of the Interior, and the County may agree to—*

16 (1) *minor adjustments to the boundaries of the*
 17 *parcels of Federal land and non-Federal land; and*

18 (2) *modifications or deletions of parcels and*
 19 *mining claim remnants of Federal land or non-Fed-*
 20 *eral land to be exchanged on Smuggler Mountain.*

Attest:

Secretary.

109TH CONGRESS
2D SESSION

H. R. 1129

AMENDMENT